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6 Attorneys for Defendants
HM LIFE INSURANCE COMPANY, successor-
7 in-interest to GROUPAMERICA INSURANCE
COMPANY; COMPUWARE CORPORATION
8 EMPLOYEE BENEFITS PLAN

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 IRENE DEMEE,
13 Plaintiff,

14 v.

15 GROUPAMERICA INSURANCE
16 COMPANY, COMPUWARE
CORPORATION EMPLOYEE
17 BENEFITS PLAN and DOES 1-50,
inclusive ,

18 Defendants.
19

Case No. C 07-03387 JSW

STIPULATION TO DISMISS
COMPUWARE CORPORATION
EMPLOYEE BENEFITS PLAN
WITHOUT PREJUDICE;
[PROPOSED] ORDER

Complaint Filed: April 12, 2007

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21 IT IS HEREBY STIPULATED by and between Plaintiff IREME DEMEE
22 ("Demee") and Defendants HM LIFE INSURANCE COMPANY ("HM Life") and
23 COMPUWARE CORPORATION EMPLOYEE BENEFITS PLAN ("Plan"), by
24 and through their respective counsel, as follows:

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1 1. The parties agree that this case is governed by the Employee
2 Retirement Income Security Act of 1976 ("ERISA"), 29 U.S.C. Section 1001, et
3 seq.


4 2. Defendant HM Life has confirmed that the Plan is fully insured under
5 Group Policy Number 904974 to insure the Plan for life insurance benefits for the
6 time period at issue in this case.

7 3. In consideration for this Stipulation, HM Life acknowledges and agrees
8 that it will be responsible for any judgment relating to life insurance benefits,
9 interest on such benefits, and attorneys' fees incurred in pursuing the litigation to
10 obtain those as they relate to Plaintiff Demee based on the allegations in the
11 Complaint.

12 4. The parties therefore stipulate and request that the Plan be dismissed
13 without prejudice, with the parties to bear their own attorneys' fees and costs with
14 regard to the dismissal. HM Life shall remain the only named defendant.


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16 Dated: August 13, 2007

MESERVE, MUMPER & HUGHES LLP
Simon Manoucherian
Frederic Esrailian

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19 By: 
20 Frederic Esrailian
21 Attorneys for Defendant
22 HM LIFE INSURANCE COMPANY,
23 successor-in-interest to
24 GROUPAMERICA INSURANCE
25 COMPANY, and COMPUWARE
26 CORPORATION EMPLOYEE
27 BENEFITS PLAN
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1 Dated: August 6, 2007

LAW OFFICES OF JOHN FRYE
John Frye

2
3 By: 
4 John Frye
5 Attorneys for Plaintiff
6 IREME DEMEE

7 **ORDER**

8 IT IS HEREBY ORDERED that defendant COMPUWARE CORPORATION
9 EMPLOYEE BENEFITS PLAN be dismissed from this action without prejudice,
10 with the parties to bear their own attorneys' fees and costs.

11 Dated: August 13, 2007

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13 Hon. Jeffrey S. White
14 United States District Judge
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